IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5455 OF 2007
and
WRIT PETITION NO. 6150 OF 2007.

Chhaya Sunil Wagh (W.P.No.5455/07)
Ramvdhar Parsuram Rastogi (W.P.6150/07... .....Petitioners
V/s
State of Maharashtra & Ors..... ....Respondents.

Mrs.P.P.Bhosale, Adv. For the petitioner in W.P.No.5455/07

Mr.M.V.Aiya, Adv. For the petitioner in W.P.No.6150/07

Mr.S.K.Chincholikar, AGP for respondent Nos.1 to 3 in both petitions.

Mr.K.K.Jadhav, Adv. For respondent No.4 in W.P.No.5455/07

Mrs.P.P.Bhosale, Adv. For respondent No.4 in W.P.No.6150/07.

CORAM: A.P.DESHPANDE, J.
10/9/07

PC:

The petitioner in writ petition No.5455/07 was granted a licence to run fair price shop by the Controller of Rationing. The said order was challenged by filing revision before the State Government by respondent No.-Nitish Kumar M. Singh and the concerned Minister by his order has allowed the revision thereby setting aside the licence granted in favour of the petitioner Smt.Chhaya Wagh. It is this order passed by the Minister which is subject matter in both the writ petitions the first one being filed by the allottee of the licence by the Contnroller of Rationing and the petitioner in other writ petition being a person interested in getting the licence. The main objection raised by the peitioner in Writ Petition No.5455/07 is that under the policy framed by the Government in one family not more than one licence can be granted and in the present case

it is contended that there is already a licence held in the family of respondent No.4-Nitish Kumar M. Singh and thus the allotment in his favour by the Minister was obviously wrong. The learned additional government pleader has filed on record an affidavit sworn by the Section Officer, Food & Civil Supplies & Consumer Protection Department stating there in that the State Government wants to withdraw the impugned order dated 29.6.07 and proposes to rehear the matter afresh. In view of the said statement contained in affidavit I permit the State Government to withdraw the impugned order. The matter stands remanded to the concerned Minister for deciding the revisions filed by the respondent No.4 in Writ Petition No.5455/07 and the petitioner in Writ Petition No.6150/07 on merit after affording reasonable opportunity of hearing to the concerned parties. On account of withdrawal of the impugned order the order passed by the Controller of Rationing shall stand restored. The ad-interim stay granted by this Court by an order dated 26.7.07 shall continue to operate till decision of the revisions by State Government. All questions are left open to be agitated by parties before the State Government. Both writ petitions thus stand disposed of. Parties shall be at liberty to approach the revisional authority.

10.9.07